

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Norfolk Division)**

THE RADIANCE FOUNDATION, INC.)
and RYAN BOMBERGER, individually,)
Plaintiffs/Counterdefendants,)
v.) Case No. 2:13-cv-53 (RAJ/LRL)
NATIONAL ASSOCIATION FOR THE)
ADVANCEMENT OF COLORED PEOPLE,)
Defendant/Counterplaintiff.)

)

**DEFENDANT/COUNTERPLAINTIFF NATIONAL ASSOCIATION
FOR THE ADVANCEMENT OF COLORED PEOPLE'S
MOTION FOR SUMMARY JUDGMENT**

COMES NOW Defendant/Counterplaintiff National Association for the Advancement of Colored People ("NAACP" or "Defendant"), by counsel and pursuant to Rule 56 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and hereby moves for summary judgment in its favor as to Counts I through IV of the NAACP's Counterclaim in this matter.

The Court should grant summary judgment in favor of the NAACP as there are no material issues of fact in dispute as to the NAACP's counterclaims for federal trademark infringement (Count I), false designation of origin (Count II), trademark dilution (Count III) and common law unfair competition (Count IV).

In support of this motion, the NAACP submits the accompanying memorandum of law, the Declaration of Steven J. Wadyka, Jr., and the exhibits annexed thereto.

WHEREFORE, the NAACP respectfully requests that the Court grant the instant Motion for Summary Judgment and enter judgment in favor of the NAACP on Counts I through IV of the Counterclaim.

Dated: November 11, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 11, 2013, the foregoing document was filed with the Clerk of the Court using the CM/ECF filing system and that service will thereby be accomplished on:

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